



ORDER OF DETERMINATION
February 7, 2014

DATE THE DECISION ISSUED
February 5, 2014

CASE TITLE – PAULA DATESH V. HOWARD LAZAR AND REBEKAH KRELL, SAN FRANCISCO ARTS COMMISSION (File No. 13052)

FACTS OF THE CASE

Paula Datesh (Complainant) made a complaint alleging that the San Francisco Arts Commission (Respondent) violated provision of the Sunshine Ordinance by failing to timely respond to her immediate disclosure request on the following two occasions: 1) Howard Lazar, Arts Commission, failed to respond to Complainant's August 28, 2013, request for information; and 2) Rebekah Kress, Arts Commission failed to respond to Complaint's request for information on an unknown date.

COMPLAINT FILED

On September 4, 2013, Complainant filed a complaint with the Task Force regarding the Respondent's alleged failure to timely respond to complaint's immediate disclosure request.

HEARING ON THE COMPLAINT

On February 5, 2014, Complainant appeared before the Task Force and presented her claim. Howard Lazar, Arts Commission (Respondent), presented the Arts Commission's defense.

The issue in the case was whether the Agency violated Sections 67.21 and 67.25 of the Sunshine Ordinance and/or Section 6253 of the California Government Code.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the, Task Force finds the testimony of the Complainant to be persuasive and finds Sunshine Ordinance Sections 67.25(a) and 67.21 (b) to be applicable in this case. The Respondent acknowledged their error and agreed with the findings of the Sunshine Ordinance Task Force.

DECISION AND ORDER OF DETERMINATION

The Task Force finds the San Francisco Arts Commission in violation of Section 67.25(a) and 67.21(b) for failure to respond to an immediate disclosure request in a timely manner.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on February 5, 2014, by the following vote: (Fischer/Knee)

Ayes: Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Absent: David

A handwritten signature in black ink, appearing to read "Kitt Grant". The signature is fluid and cursive, with the first name "Kitt" and last name "Grant" clearly distinguishable.

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Paula Datesh, Complainant
Howard Lazar, SF Arts Commission
Rebekah Krell, SF Arts Commission
Kate Patterson, SF Arts Commission